

## STANDARD APPLICATION

# Harford County Board of Appeals

Bel Air, Maryland 21014

OCT 14 2004

Case No. 5453Date Filed 10/5/04

Hearing Date \_\_\_\_\_

Receipt \_\_\_\_\_

Fee \$600.00

Shaded Areas for Office Use Only

## Type of Application

- \_\_\_\_\_ Administrative Decision/Interpretation
- XX \_\_\_\_\_ Special Exception
- \_\_\_\_\_ Use Variance
- \_\_\_\_\_ Change/Extension of Non-Conforming Use
- \_\_\_\_\_ Minor Area Variance
- \_\_\_\_\_ Area Variance
- \_\_\_\_\_ Variance from Requirements of the Code
- \_\_\_\_\_ Zoning Map/Drafting Correction
- XX \_\_\_\_\_ Zoning Line Extension per Section 267-10 (B)

CASE 5453 MAP 40 TYPE Special Exception and Interpretation of Zoning Map

ELECTION DISTRICT 03 LOCATION 3-13 Red Pump Rd, Bel Air, MD

BY Stonemill, LLC, 1543 Morse Road, Forest Hill, MD 21050

Appealed because a special exception pursuant to Sec. 267-53K(1-4) to allow accessory parking and driveway access in the B1 District to serve a permitted use in the B2

District and an Interpretation of Zoning Map pursuant to Sec. 267-10B to permit

the extension of the B2 zoning boundary line one hundred (100') requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

## Applicant/Owner (please print or type)

Name Stonemill, L.L.C. Phone Number \_\_\_\_\_

Address 1543 Morse Road Forest Hill MD 21050

Street Number Street City State Zip Code

Co-Applicant N/A Phone Number \_\_\_\_\_

Address \_\_\_\_\_

Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number \_\_\_\_\_

Address \_\_\_\_\_

Street Number Street City State Zip Code

Attorney/Representative Robert S. Lynch, Esquire Phone Number (410) 879-2222

Address Stark and Keenan, P.A., 30 Office Street, Bel Air, MD 21014

Street Number Street City State Zip Code

## Land Description

Address and Location of Property 3-13 Red Pump Road, Bel Air, MD 21014

Subdivision Red Pump Center

Lot Number 1

Acreage/Lot Size 0.93 Acres

Election District C5

Zoning B1 and B2

Tax Map No. 40

Grid No. 3F

Parcel 379

Water/Sewer: Private

Public X

List ALL structures on property and current use: strip commercial center with improved parking lot.

Estimated time required to present case: 1 hour

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No.

Is this property located within the County's Chesapeake Bay Critical Area? Yes        No X

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes        No X

Is this request within one (1) mile of any incorporated town limits? Yes        No X

## Request

See Attached

## Justification

See Attached

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

# **STONEMILL, L.L.C.**

## **Attachment**

### **REQUEST:**

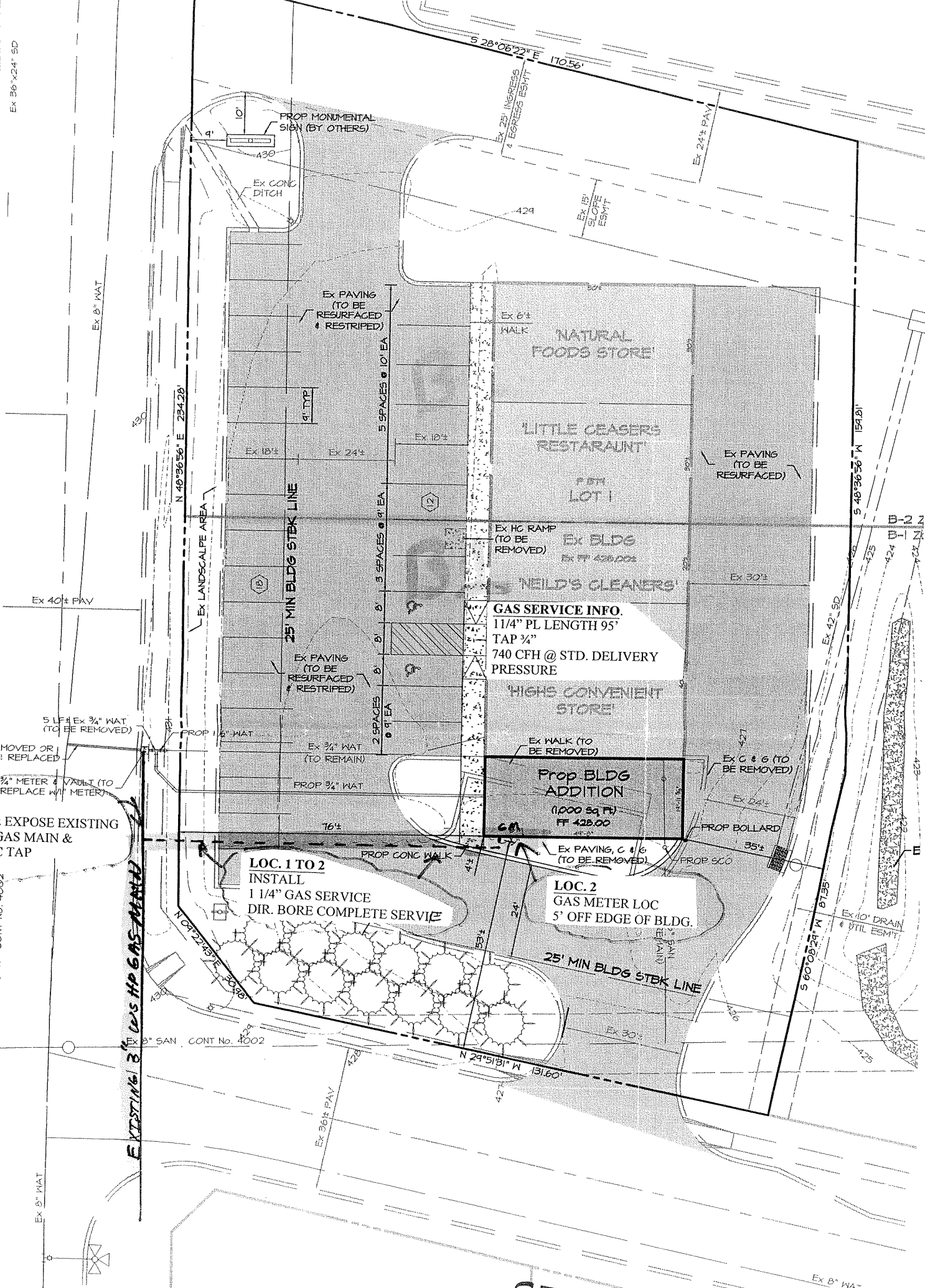
1. A Special Exception pursuant to Section 267-53(K) for Accessory parking areas, driveways and private roads. These uses may be granted in any district to serve a use permitted and located in another district but not permitted in the subject district, pursuant to Section 267-53(K)(1-4).
2. An Interpretation of Zoning Map pursuant to Section 267-10(B) Extension of a District: permitting the extension of a district if the boundary line of a district divides a parcel held in single ownership on the effective date of this Part 1, provided that such extension does not exceed one hundred feet (100') beyond the boundary line.

### **JUSTIFICATION:**

The subject property consisting of 0.93 acres is improved with a retail strip center. The property has a split zone, B1 (Neighborhood Business District) and B2 (Community Business District). The zoning line, as shown on the attached Exhibit 1, physically divides the strip center. In order to allow more flexibility for marketing and providing a fuller range of retail uses, the Applicant seeks to extend the existing B2 line one hundred feet (100') pursuant to Section 267-10(B). The center, as designed, allows for an existing tenant to expand into an additional usable area within the center provided the expanded use complies with the existing zoning. Situations have developed where an existing tenant in the B2 zone would seek to expand into the B1 zone but the B1 zone may not allow for the use which currently exists in the adjacent B2 zone.

The Special Exception is requested pursuant to Section 267-53(K) since access to this center from St. Francis Road requires vehicles to cross the existing B1 zone in order to access a B2 zone. The Applicant can comply with Section 267-53(K) (1-4). Granting of this Special Exception and the extension of the zoning district will not adversely impact the neighborhood.

Ex 36"x24" SD



**GAS SERVICE INFO.**  
1 1/4" PL LENGTH 95'  
TAP 3/4"  
740 CFH @ STD. DELIVERY  
PRESSURE

**LOC. 1 TO 2**  
INSTALL  
1 1/4" GAS SERVICE  
DIR. BORE COMPLETE SERVICE

**LOC. 2**  
GAS METER LOC  
5' OFF EDGE OF BLDG.

EXPOSE EXISTING  
GAS MAIN &  
TAP

EXISTING 3" W/S HP GAS MAIN

5

**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION



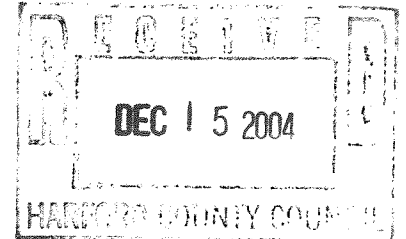
**J. STEVEN KAH-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## **HARFORD COUNTY GOVERNMENT**

### **Department of Planning and Zoning**

October 20, 2004

#### **STAFF REPORT**



#### **BOARD OF APPEALS CASE NO. 5453**

**APPLICANT/OWNER:** Stonemill, L.L.C.  
1543 Morse Road, Forest Hill, Maryland 21050

**REPRESENTATIVE:** Robert S. Lynch, Esquire  
Stark and Keenan, P.A., 30 Office Street, Bel Air, Maryland 21014

**LOCATION:** 3-13 Red Pump Road, Bel Air, Maryland 21014  
Tax Map: 40 / Grid: 3F / Parcel: 379 / Lot: 1  
Election District: Third (3)

**ACREAGE:** 0.93 of an acre

**ZONING:** B1/Neighborhood Business and B2/Community Business Districts

**DATE FILED:** October 5, 2004

**HEARING DATE:** January 5, 2005

#### **APPLICANT'S REQUEST and JUSTIFICATION:**

See ATTACHMENT 1.

#### **CODE REQUIREMENTS:**

The Applicant is seeking a Special Exception pursuant to Section 267-53K of the Harford County Code to allow accessory parking and driveway access in the B1/Neighborhood Business District to serve a permitted use in the B2/Community Business District and an Interpretation of Zoning Map pursuant to Section 267-10B to permit the extension of the B2/Community Business District zoning Boundary line one hundred (100-feet).

*Preserving our values, protecting our future*

MY DIRECT PHONE NUMBER IS **(410) 638-3103**

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • [www.co.ha.md.us](http://www.co.ha.md.us)

*This document is available in alternative format upon request.*

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Section 267-53K of the Harford County Code reads:

- K. *[Amended by Bill No. 85-59] Accessory parking areas, driveways and private roads. These uses may be granted in any district to serve a use permitted and located in another district but not permitted in the subject district, provided that:*
- (1) The parking area, driveway or private road shall be accessory to and for the use of one (1) or more agricultural, residential, business or industrial uses located in an adjoining or nearby district.*
  - (2) No charge shall be made for the parking or storage of vehicles on any parking lot approved pursuant to this provision.*
  - (3) Any private road or driveway shall provide access to an approved private road, county road or state road or highway.*
  - (4) The number of parking spaces and total parking area approved in the subject district under this section shall not exceed thirty percent (30%) of the parking spaces and area required by this Part 1 for the permitted use.*

Section 267-10B of the Harford County Code reads:

- B. *Extension of a district: permitting the extension of a district if the boundary line of a district divides a parcel held in single ownership on the effective day of this Part 1 provided that such extension does not exceed one hundred (100) feet beyond the boundary line.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicant's property is located on the south side of Red Pump Road a couple hundred feet west of Rock Spring Road (MD Route 24). A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located within the Development Envelope. The primary land use designation is Medium Intensity. The Natural Features Map shows areas of Sensitive Species Project Review Areas and Stream Systems. The subject property is located within a community center and is designated as Medium Intensity on the 2004 Land Use Plan:

**Medium Intensity** - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per

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acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

### Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. Residential activity includes conventional single-family dwellings, townhouses, garden apartments, condominiums and a nursing home. There are several commercial uses located near the intersection of Red Pump Road and Rock Spring Road (MD Route 24). Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The shopping center property is rectangular in shape with road frontage on Red Pump Road and St. Francis Road. There are 2-points of access, one from Red Pump Road that is shared with the McDonalds restaurant immediately adjoining to the east side and a second entrance from St. Francis Road. Parking is along the Red Pump Road side of the property in front of the existing stores. There are large pine trees that screen the use on the St. Francis Road side of the property. The small shopping center contains a Natural Food store, Little Caesars, a dry cleaning service, Highs and the Red Pump café–deli/carry out. There is a loading and delivery driveway to the rear of the building. Immediately to the rear of the subject property is a paved parking lot that is used as overflow parking by the McDonalds restaurant. The overflowing parking for McDonalds was approved by the Board of Appeals in case #3692 (Attachment 8). Enclosed with the report is a topography map, an enlargement of the aerial photograph and site photographs (Attachments 9, 10 and 11).

### Zoning:

The zoning classifications in the area are consistent with intent of the 2004 Master Plan as well as the existing land uses. Residential zoning includes R2, and R3/Urban Residential Districts. Commercial zoning includes RO Residential/Office, B1/Neighborhood Business, B2/Community Business Districts and CI/Commercial Industrial. The subject property is split zoned, B1/Neighborhood and B2/Community Business Districts as shown on the enclosed copy of the zoning map (Attachment 12).

### Zoning History:

The property is split zoned B1/Neighborhood and B2/Community Business Districts. The B2 portion of the property was originally rezoned from A-1/Agricultural to B1/Neighborhood Business Rezoning in 1963 as a individual rezoning (Attachment 13). During the 1982 comprehensive, the B1 classification around the intersection of Rock Spring Road and Red Pump Road was upgraded to B2/Community Business District. The area that is the subject of this request was rezoned from A-1/Agricultural to B1 Neighborhood Business District in 1982

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(Attachments 14). The B1 and B2 classifications remained the same during the 1989 and 1996 comprehensive rezoning (Attachments 15 and 11).

### SUMMARY:

The Applicant is seeking a Special Exception pursuant to Section 267-53K of the Harford County Code to allow accessory parking and driveway access in the B1/Neighborhood Business District to serve a permitted use in the B2/Community Business District and an Interpretation of Zoning Map pursuant to Section 267-10B to permit the extension of the B2/Community Business District zoning Boundary line one hundred (100-feet).

#### Section 267-10B:

- B. Extension of a district: permitting the extension of a district if the boundary line of a district divides a parcel held in single ownership on the effective day of this Part 1 provided that such extension does not exceed one hundred (100) feet beyond the boundary line.*

The subject property has been developed as a small shopping center containing 5 stores. The property is split zoned B1/Neighborhood and B2/Community Business Districts. The 100-foot extension of the B2 zoning line will include all of the existing building. Only the existing entrance from St. Francis Road will remain in the B1 zoning District.

The Department recommends that the requested extension of their B2 zoning boundary be approved. It serves no purpose to have the existing building split by a zoning boundary. There should be no adverse impacts to the surrounding neighborhood if the request is approved.

#### Section 267-53K (1), (2), (3) and (4):

- K. [Amended by Bill No. 85-59] Accessory parking areas, driveways and private roads. These uses may be granted in any district to serve a use permitted and located in another district but not permitted in the subject district, provided that:*

- (1) The parking area, driveway or private road shall be accessory to and for the use of one (1) or more agricultural, residential, business or industrial uses located in an adjoining or nearby district.*

The existing driveway from St. Frances Road is located within the B1 zoning District and will provide access to a use located in the adjoining B2 Zoning District.

- (2) No charge shall be made for the parking or storage of vehicles on any parking lot approved pursuant to this provision.*



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The request is only to allow for use of the existing access across the B1/Neighborhood Business District to the B2/Community Business District portion of the shopping center.

- (3) *Any private road or driveway shall provide access to an approved private road, county road or state road or highway.*

The access already exists as an approved portion of the existing shopping center that is presently split zoned B1/Neighborhood and B2/Community Business Districts. The existing driveway provides access to a County Road (St. Francis Road)

- (4) *The number of parking spaces and total parking area approved in the subject district under this section shall not exceed thirty percent (30%) of the parking spaces and area required by this Part 1 for the permitted use.*

The request meets this requirement. Only a small area of driveway will be located in the area that will remain within the B1 Zoning District. The second part of the request is to extend the existing B2/District 100-feet. This will include the existing building and parking. The only portion remaining in the B1/District is the entrance from St. Francis Road.

### Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

This area of the County contains a mix of residential, commercial and institutional uses. The shopping center and driveway are existing and the request will not have any adverse impact on individuals working or living in the area.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The existing shopping center is located on the south side of Red Pump Road which is a County owned road and designated as an Urban Collector Road. The shopping center is located just to the west of Rock Spring Road, which is a State owned Arterial road. St. Francis Road is a County owned local road. The request will not impact traffic in the area

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

There should be no adverse fiscal impact to the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

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The subject site is improved with an existing small shopping center. The request will not change the impact of this shopping center on the adjacent community in regards to the issues in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and Maryland State Police will provide protection. The Bel Air and Forest Hill Volunteer Fire Departments will provide fire protection and emergency services. Water and sewer facilities will be provided by an onsite well and septic systems. A company of the Applicant's choice shall handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposal is consistent with generally accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The shopping center and entrances have existed for the last 20 years without adversely impacting the community. The requested special exception will not physically change the existing improvements on the property. Therefore there should be no impacts regarding the items listed in this section..

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The shopping center and driveways exist. Therefore, there will be no environmental impacts from the request.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the request.

STAFF REPORT

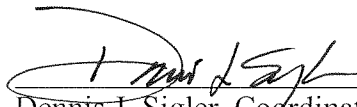
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**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the requested special exception and expansion of the B2 Zoning District be approved.

  
\_\_\_\_\_  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/jf

  
\_\_\_\_\_  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning